

Notice of Allowability

Application No.

10/734,097

Examiner

Terrence R. Till

Applicant(s)

REESE, CHAD A.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, paragraph 5, line 4, "oftenprovided" has been replaced with --often provided--.

2. The following is an examiner's statement of reasons for allowance: With respect to claims 1 and 6, the prior art does not disclose nor render obvious the claimed combination of subject matter, particularly an elongated nozzle body having a central lumen of a first diameter along the nozzle body axis for connection to the boiler steam outlet; the nozzle lumen formed with a cylindrical cavity at the proximal end having a diameter greater than that of the first diameter of the nozzle lumen to form a shoulder; an elongated pin having a head portion with a diameter greater than the first diameter lumen diameter, the pin inserted into the cavity and lumen; and a gasket disposed between the head and shoulder; wherein the pin is displaced into the lumen with the head against the shoulder due to steam pressure on the proximal face of the head to block the flow of steam into and through the nozzle lumen. The closest prior art, to Stagner (US 2,615,215) discloses most of the structure, but lacks the gasket disposed between the head and shoulder as well as the function of the pin is displaced into the lumen with the head against the shoulder due to steam pressure on the proximal face of the head to block the flow of steam into and through the nozzle lumen. Most importantly, Stagner could not anticipate the

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claimed subject matter as the functional language “wherein the pin is displaced into the lumen with the head against the shoulder due to steam pressure on the proximal face of the head to block the flow of steam into and through the nozzle lumen” is not taught by Stagner. Rather Stagner has a valve 15 and pin 18 with a head portion. This head portion is urged away from the valve seat when valve 15 is opened and pressurized water is introduced into the supply chamber 10. Stagner acts in the opposite manner of the claimed recitation. The functional language of claims 1 and 6 is a condition that is material to patentability. See MPEP 2111.04. Additionally, with respect to claim 1, weight is given to the limitation of “the boiler steam outlet”. When limitations in the body of the claim rely upon and derive antecedent basis from the preamble then the preamble may act as a necessary component of the claimed invention. *Eaton Corp. v. Rockwell International Corp.*, 66 USPQ2d 1271 (CA FC 2003) See also *Electro Sci. Indus. v. Dynamic Details, Inc.*, 307 F.3d 1343, 1348, 64 USPQ2d 1781, 1783 (Fed. Cir. 2002); *Rapoport v. Dement*, 254 F.3d 1053, 1059, 59 USPQ2d 1215, 1219 (Fed. Cir. 2001); *Pitney Bowes*, 182 F.3d at 1306, 51 USPQ2d at 1166. In this instance, the examiner considers the preamble (a steam stop mechanism for a steam cleaner having a boiler with an inlet for water and an outlet for steam) to act as a necessary component of the claimed invention.

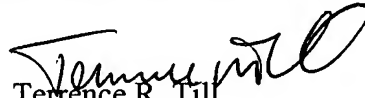
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Terrence R. Till
Primary Examiner
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